IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.8262 OF 2005

Vitthal Pandurang Raut & Ors. .. Applicants
Versus
State of Maharashtra .. Respondent

Mr.Amol Patankar for applicant
Mr.R.Y.Mirza, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 23rd November 2005.

P.C.

. Applicants have been arrested in connection with C.R.No.53 of 2005 registered with Natepute Police station, Taluka Malshiras for offences punishable under section 376(g) read with 506 of I.P.C. With the assistance of learned Advocate appearing for applicants as well as Mr.Mirza, A.P.P. I have perused the application as well as annexures thereto. From

the statement of the prosecutrix as well as others, it is apparent that the present applicants are not charged with committing sexual intercourse but holding hands of prosecutrix and allegedly pushing her down on the floor. It is alleged that as far as second applicant is concerned, he is supposed to have inflicted some burn injuries with cigarette.

2. Statement of prosecutrix and others recorded during the course of investigation reveal several inconsistancies. Prima facie, it is possible that the accused Sandip has in the presence of his uncle and father committed rape on the victim/ prosecutrix. Her mother’s version as well as that of brother in law would prima facie indicate that relations were there between Sandip and prosecutrix over a period of time. That apart, husband of prosecutrix, applicants as well as other family members have a long standing dispute and quarrel over eve teasing and theft of

articles committed by husband of prosecutrix. In these circumstances, when investigations are complete and charge sheet is filed, applicants deserve to be enlarged on bail. Accordingly, following order:-

i) Applicants shall be released on bail in connection with C.R.No.53 of 2005 registered with Natepute, Taluka Malshiras police station in the sum of Rs.10,000/- each with one/two sureties in the like amount.

ii) Applicants shall attend Natepute Police station, Taluka Malshiras once in a fortnight.

iii) Applicants shall not directly or indirectly make any inducement or threat to any prosecution witnesses and shall

not in any manner tamper with prosecution evidence.

iv) Applicants shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application disposed of.

vii) Parties to act upon an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)